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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/881,676

06/18/2001

Takashi Sasaki

209819US6

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04/02/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,676

Applicant(s)

SASAKI ET AL.

Examiner

Peter Vincent Agustin

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 12 is/are rejected.
- 7) ☒ Claim(s) 1-11, 13-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/27/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1 & 10 objected to because of the following informalities:
 - a. The phrases “pits and lands defined between said lands” and “the laser light emitting pulsed light by the recording pulse” on claim 1 are awkward and need to be rephrased.
 - b. Claim 10, line 3: “drive” should be --recording--.
2. Claim 1 objected to because it recites the limitation "the laser light" on line 12, which should be --laser light--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 & 12 rejected under 35 U.S.C. 102(b) as being anticipated by Toda et al. (hereafter Toda) (US 5,974,021).

In regard to claim 1, Toda discloses an optical disc recording apparatus (figure 1) comprising: recording pulse generating means (15) for setting a recording power at approximately the leading end portion of a recording pulse in steps of a plurality of stages and for generating a recording pulse of a pulse width corresponding to a length of a pit to be formed, said recording pulse generating means includes: a first pulse generation circuit configured to generate a first pulse (figure 3, “recording pulse A”), a second pulse generation circuit

Art Unit: 2652

configured to generate a second pulse ("recording pulse B"), and "a third pulse generation circuit configured to generate a third pulse ("recording pulse C"); wherein said recording pulse generating means includes a pulse combining mechanism configured to combine said first pulse, said second pulse, and said third pulse to form said recording pulse ("control signal" of figure 3); and laser means (figure 1, elements 1 & 14) for illuminating the laser light by the recording pulse supplied to form a recording data string comprised of pits and lands defined between said lands on a recording medium (5); wherein the laser light is illuminated on a write-once optical disc as said recording medium to effect recording (inherent). It should be noted that the presence of element 18 on figure 1, i.e., a test write data generating circuit, suggests that the recording medium is a write-once optical disc.

In regard to claim 12, Toda discloses a recording method for an optical disc comprising steps of: generating a first pulse (figure 3, "recording pulse A") with a first pulse generation circuit, a second pulse ("recording pulse B") with a second pulse generation circuit, and a third pulse ("recording pulse C") with a third pulse generating circuit; combining said first pulse, said second pulse, and said third pulse to form a recording pulse ("control signal" of figure 3) having a pulse width corresponding to a length of a pit formed, said recording pulse being so formed that a recording power at approximately the forward end thereof is stepped over plural stages; and illuminating a laser light beam (figure 1, elements 1 & 14), excited in pulsed light by said recording pulse, on a write-once optical disc to effect recording. (See claim 1 rejection above).

Allowable Subject Matter

5. Claims 2-11 & 13-16 objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 2 & 13, no prior art of record alone or in combination discloses or suggests an optical disc recording apparatus or method comprising laser means and a recording pulse generating means including first, second and third pulse generation circuits configured to generate first, second and third pulses, wherein **the first pulse further corresponds to recording data, the second pulse is synthesized a predetermined time after a leading end of said first pulse, and said third pulse is synthesized another predetermined time before a leading end of said first pulse, said third pulse being of a pulse width smaller than said second pulse.**

In regard to claim 10, no prior art of record alone or in combination discloses or suggests an optical disc recording apparatus having a laser means and a recording pulse generating means including first, second and third pulse generation circuits configured to generate first, second and third pulses, **further comprising changeover means for switching the operation of said recording pulse generating means to preclude outputting of at least one of the pulses in association with a speed of forming a recording data string on said recording medium.**

Claims 3-11 & 14-16 are allowable because they are dependent upon allowable base claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Furumiya et al. (US 5,490,126) shows in figures 3j, 3l & 3m first, second & third pulses, respectively, and figure 3n shows a recording signal which is a combination of the three pulses.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is (703) 305-8980. The examiner can normally be reached on Monday thru Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PVA
03/25/2004



W. R. YOUNG
PRIMARY EXAMINER